

**MINUTES OF THE SPECIAL MEETING OF THE PLANNING BOARD OF THE
VILLAGE OF IRVINGTON HELD IN THE VILLAGE HALL OLD LIBRARY,
ON WEDNESDAY, APRIL 10, 2002.**

Members Present: Peter Lilienfield
Carolyn Burnett
William Hoffman
Jay Jenkins
Walter Montgomery, Secretary

Also Present: Lino Sciarretta, Village Counsel
Edward P. Marron, Jr., Building Inspector
Representatives for the Applicants
Members of the public

IPB Matter Considered: **94-03 - Westwood Associates Development, Inc.
Sht.10, P25J2, 25K2, Sht.10C, B1.226 Lots 25A,
26A, Sht.11, P-25J**

The meeting opened at 7:07 p.m. The Chairman, noting this was a continuation, opened the public hearing on Final Subdivision Plat Approval of the Westwood Property.

A follow-up to the discussion held at the March 19, 2002 Special Meeting of the Planning Board focused on the manner in which the Board would address Tracts A, B and C on the Final Subdivision Plat. The Chairman stated that there should be notes on the plat to the effect that the approvals of the Final Subdivision Plat applies to the lots shown on Tract A, each of which would still be subject to Final Site Development Plan Approval, while Tracts B and C would be handled differently.

The Applicant indicated that Tract B and Tract C should be referred to as "Parcel B" and "Parcel C" on the plat and in the Resolution, to indicate that these are being created by the Planning Board's actions. Parcels B and C have been shown on the larger plat for purposes of filing as they were part of the original application and approvals. Parcel B includes Marshall's Pond, it was noted.

There followed a discussion of what would be the status of the preliminary approvals granted for Parcels B and C if the Village does not exercise its acquisition option. It was noted that under the option agreement, Parcel C would, through a number of transfers, ultimately remain in Village ownership regardless as to whether the option agreement were exercised. If the purchase option were not exercised, however, Parcel B would remain in Westwood's ownership. The Chairman stated that the preliminary approvals would be valid if the Village does not exercise the option, although significant changes in the layout of Parcel B might necessitate reexamination of the preliminary approvals.

Mr. Charles Pateman said that option agreement requires the Village to enact legislation to extend the life of the preliminary approvals; under Village Law, the Applicant has a one year period in which to receive final approvals. Mr. Sciarretta confirmed that the option agreement addresses such legislation, although it could be legally obtained after

the one year period and applied retroactively. Mr. Pateman said that he would prefer that the legislation be enacted before April 25th; the Chairman noted this was a matter for the Board of Trustees.

The Chairman noted that metes and bounds descriptions for Parcels B and C, as well as the Westwood Conservation Parcel (subsequently referred to as Parcel D), were indicated on the submitted plat. Attention was then focused on the Notes to be included on the Plat, detailing the purpose of creating Parcel B, Parcel C and Parcel D, whether each of the specific parcels were subject to the Stipulation of Settlement or the Village acquisition option; the Applicant consented to the lot configuration shown on the Preliminary Subdivision Layout for Parcels B and C no longer being in effect. The final language of the notes is noted below:

Note on Plat showing Tract A: “This is Final Subdivision Plat approval of the lot layout on Tract A, subject to Final Site Development Plan approval for each individual lot in accordance with all applicable rules and regulations.”

Note on Plat showing Parcel B: “This Plat is subject to the Option agreement between the Applicant and the Village of Irvington, dated February 8, 2002, and if such is not exercised, is subject to Final Subdivision Plat Approval, Limited Site Development Plan Approval, and Final Site Development Plan approval for each of the individual lots in keeping with the April 25, 2001 Resolution of the Planning Board granting Preliminary Subdivision Layout and Limited Site Development Plan approval. Parcel B (previously known as Tract B throughout the approval process) is being created for purposes of filing. The Applicant consents that any lot configuration shown on the Preliminary Subdivision Layout is no longer in effect for purposes of filing this Subdivision Plat. Plat B does not reflect preliminary lot configuration as the engineering has not been completed. The Irvington Planning Board will consider Final Subdivision Plat, revised Limited Site Development Plan, and Final Site Development Plan approvals, inclusive of lot configuration and engineering, upon appropriate application by the Applicant or successor.”

Note on Plat showing Parcel C: - “Parcel C (previously known as Tract C throughout the approval process) is subject to the Option agreement between the Applicant and the Village of Irvington dated February 8, 2002 and the Stipulation of Settlement dated March 3, 1994. As of the date of this Plat, the Village of Irvington consents to the creation of Parcel C. The Applicant consents that any lot configuration shown on the Preliminary Subdivision Layout is no longer in effect for purposes of filing this Subdivision Plat. Parcel C does not reflect preliminary lot configuration as the engineering has not been completed.”

Note on Plat showing Parcel D: - “Parcel D (previously known as the Westwood Conservation Parcel throughout the approval process) is subject to the Option agreement between the Applicant and the Village of Irvington dated February 8, 2002 and the Stipulation of Settlement dated March 3, 1994. As of the date of this Plat, the Applicant consents to the creation of Parcel D.”

The Applicant updated the Board on changes in the Tract A plans and related matters. The turnaround area at the eastern end of HS1 had been eliminated and is now labeled as “area reserved for a future gravel turnaround.” A report on wall repairs had been submitted to Mr. Mastromonaco and Mrs. Costello, and the plans indicate three places on the wall which need to be repaired from the top to the base. Some restacking of stones is necessary, and a large section of the railing has to be replaced. Swimming pools and all references to them have been eliminated from the plans. The Applicant indicated that discussions were taking place with the School District on issues of access and other matters. The Applicant has submitted 18 copies of the revised plans to the Board.

The Board discussed the amount of bonding required, based on the estimate provided by Mr. Mastromonaco in a memorandum dated April 10, 2002. This indicated the need for a bond in the amount of \$1,570,000.

The Board and the Applicant reviewed the proposed Resolution and agreed upon specific changes to the text. Mr. Pateman asked whether it was possible to extend the deadline for obtaining a performance bond beyond the 45 days stipulated in the Resolution. Mr. Sciarretta indicated that his understanding was that the period could not be extended but would review the matter.

The Board also directed that the Resolution’s language, where appropriate, conform to the agreed upon language of the notes that will be added to the plat.

The Board discussed the need for the deeds for each lot in Tract A contain language relating to the homeowner’s relinquishing the right of access over High School Drive if the “emergency connector” to Fieldpoint Drive were opened permanently at some future point in time. The Board determined that this item should be eliminated from the final Resolution, recognizing School Board jurisdiction, the Board’s desire to prevent a through street being created from Broadway to Harriman, and the difficult in preventing Tract A residents from utilizing High School Drive while Augusto, Tishelman and Reilly retain the ability to do so due to their existing easements.

Mr. Pateman said that he still needs a letter from Mr. Mastromonaco in order to apply for approvals from the County Department of Health. Citing item F on page 12 of the draft resolution, Mr. Pateman also said that the Applicant will be responsible for the installation of the gates at the ends of the emergency connectors.

Mr. Hoffman said that, as he stated in the past, he would still like to have a list of specific responsibilities of both the Homeowners’ Association and the Village. Mr. Pateman agreed to provide a preliminary delineation of such responsibilities, noting that it would be subject to change until the Homeowners’ Association had been properly incorporated under State law and in keeping with the conditions in the resolution.

There were no comments from the public, except for a brief question on the status of the project, and the Board by unanimous vote closed the public hearing.

The Chairman cited the next steps, specifically the need for the Applicant to modify the plat with the notes indicated above, and for the Resolution to be modified with the language previously discussed. The Board agreed to meet again specifically on this matter on April 24, 2002 at 7:15 p.m.

The meeting adjourned at 8:39 p.m.

Respectfully submitted.

Walter Montgomery
Secretary